

ELECTIONS. PRIMARIES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

Elections. Primaries.

Initiative Constitutional Amendment and Statute.

- Requires primary elections where all voters may vote for any state or federal candidate regardless of how a voter or candidate is registered.
- Exempts presidential nominations and elections of party central committees.
- Only the two primary-election candidates receiving most votes for an office, whether they are candidates with “no party” or members of same or different party, would be listed on general election ballot.
- In special primary election, candidate receiving majority vote is elected.
- Requires political party’s consent for identification of candidates’ party registration on ballot and in other official election publications.

Summary of Legislative Analyst’s Estimate of Net State and Local Government

Fiscal Impact:

- No significant net fiscal effect on state and local governments.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

California generally holds two statewide elections to elect a candidate to public office—a primary election (in March) and a general election (in November). Some public offices (such as the Governor and members of the Legislature) are partisan, which means that a candidate represents a political party in an election. For partisan offices, the primary election determines each political party’s nominee for the office. The candidate receiving the most votes among a party’s candidates is that party’s nominee for the general election. In the general election, voters then choose among all of the parties’ nominees, as well as any independent candidates, to elect a candidate to office. Other offices (such as the Superintendent of Public Instruction and local officials) are nonpartisan, which means that a candidate does not represent a political party. For these nonpartisan offices, the primary election generally reduces the field of candidates by advancing the top two vote-getters to the general election.

For every primary election, each county prepares a ballot and related materials for each political party. Those voters affiliated with political parties receive their party’s ballot. Voters with no party affiliation generally receive ballots related only to nonpartisan offices and propositions. This system is known as a “closed” primary since voters of one party cannot vote for candidates of any other party. (In California, parties may allow voters with no party affiliation to receive their party’s ballot. Three parties chose to allow this for the March 2004 election.) Figure 1 compares this type of primary system with several other systems, including the one proposed by this measure.

In March 1996, California voters approved Proposition 198, which created a “blanket” primary system. Proposition 198 allowed all voters, regardless of party affiliation, to vote for any candidate in a primary election. As with the existing system, the candidate from each party receiving the most votes in the primary appeared on the general election ballot. This system was used for primaries in 1998 and 2000. The United States Supreme Court, however, ruled in June 2000 that this system was unconstitutional and could no longer be used. As a result, the state returned to using party-specific ballots for primaries in 2002.

PROPOSAL

Changes to Primary System. This measure amends both the State Constitution and state statutes to make changes to primary elections. For most state and federal elected offices, this measure allows voters—including those not affiliated with a political party—to vote for any candidate regardless of the candidate’s political party. The measure applies to the election of state constitutional officers, members of the Legislature, and members of Congress. The measure, however, does not apply to the election of the U.S. President or political party committees. If approved, the new system would be used beginning with the March 2006 primary.

Under the measure, each county would prepare for use by all voters a single, primary ballot covering most offices. (There would, however, be a separate party-specific ballot for U.S. President and political party committees.) Candidates affiliated with parties and independent candidates would appear on the primary ballot. In each primary, only the top two vote-receiving candidates—regardless of party identification—would

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INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

PROP
62

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

FIGURE 1			
TYPES OF PRIMARY ELECTIONS			
Closed	Limited Open	Blanket	Modified Blanket
Use in California			
Prior to 1998 and since 2002	—	1998 and 2000, under Proposition 198	Would be implemented beginning in 2006 under Proposition 62.
Description			
Voters only receive their party's ballot. ^a Each party's top vote-getter advances to the general election.	Voters choose which party's ballot to receive. Like the closed primary, a voter can only vote for candidates from a single party. Each party's top vote-getter advances to the general election.	All voters receive the same ballot. A voter can choose candidates from different parties for different offices. Each party's top vote-getter advances to the general election.	Primaries are not party-based. All voters receive the same ballot. Like the blanket primary, voters can choose candidates from different parties for different offices. However, unlike the blanket primary, only the top two vote-getters advance to the general election—regardless of party affiliation.
^a In California, parties may allow voters with no party affiliation to receive their party's ballot.			

be placed on the general election ballot. These two candidates would be the candidates on the general election ballot. (A write-in candidate could increase the number of general election candidates.)

Comparison to Proposition 198. As under Proposition 198, the measure would not require a voter to select candidates from the same party for all offices. Instead, a voter could choose candidates from different political parties for different offices. Unlike Proposition 198, however, this measure would not guarantee that each party has a candidate on the general election ballot. Only the top two vote-getters would advance to the general election. It would be possible for both general election candidates to have the same party affiliation.

Related Provisions in Proposition 60. Proposition 60 on this ballot also contains provisions affecting which primary candidates advance to the general election ballot. That measure would require each party's top vote-getter in the primary to appear on the general election ballot (as is the case currently). The State Constitution provides that if the provisions of two approved propositions are in conflict, only the provisions of the measure with the higher number of yes votes at the statewide election take effect.

Other Provisions. Proposition 62 also makes a number of other changes to the state's election procedures, including easing the requirements for political parties and candidates to participate in primary elections. For instance, in order to participate in a primary under current law, candidates must collect a certain number of

signatures from registered voters affiliated with their own party. Under this measure, candidates could collect these signatures from any registered voters, regardless of party affiliation.

FISCAL EFFECT

This measure would change some of the administrative procedures associated with holding elections. In some cases, these changes could increase state and county election costs. For instance, this measure would tend to increase the number of candidates on primary election ballots due to eased participation requirements and the inclusion of independent candidates. Consequently, the state and counties may experience increased printing and mailing costs for the preparation of primary election ballots and informational materials.

In other cases, the measure could reduce election costs. For example, by eliminating in some instances the need to prepare different ballots for each political party, counties could realize some savings. For general election ballots, the measure would reduce the number of candidates (by limiting candidates to the top two vote-getters from the primary). As a result, the state and counties may experience reductions in general election costs from the reduced number of candidates.

These costs and savings would be relatively minor and would tend to offset each other. As a result, we estimate that the measure would result in no significant net fiscal effect on state and local governments.